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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/596,457

06/14/2006

Marc Andre Peters

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10/01/2009

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

YU, XIANG

ART UNIT

PAPER NUMBER

2445

MAIL DATE

DELIVERY MODE

10/01/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/596,457	<b>Applicant(s)</b> PETERS ET AL.	
	<b>Examiner</b> XIANG YU	<b>Art Unit</b> 2445	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 September 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,8,15 and 19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,8,15 and 19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission last filed on October 1<sup>st</sup>, 2008 has been entered.

### ***Response to Remarks/Arguments***

2. This is a non-final Office Action in response to the present US application number 10/596,457 last filed on September 01<sup>st</sup>, 2009. Claims 1, 8, 15, and 19 are pending and have been examined.

Applicant's arguments with respect to claims 1, 8, 15, and 19 have been considered but are now moot in view of the new ground(s) of rejection. See the new claim rejections for further clarifications.

### ***Claim Objections***

3. **Claim 1** is objected to because of the following informalities:
- Please use semi-colons rather than commas at the end of each limitation. In addition, the word "and" at the end of the first limitation should be removed.

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The “and” at the beginning of the last limitation should be moved to be after the semi-colon of the second to last limitation (i.e. ...Content Reference Identifier; and...”

Appropriate corrections are required.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1, 8, 15, and 19** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Publication No. US 2003/0237097 A1 to *Marshall et al.* (“*Marshall*”) in view of U.S. Patent Publication No. US 2002/0156875 A1 to *Pabla, Kuldipsingh* (“*Pabla*”) and further in view of U.S. Patent Publication No. US 2003/0120634 A1 to *Koike et al.* (“*Koike*”).

As to **claim 1**, *Marshall* discloses **a method of enabling to identify a specific group of peers among multiple groups of peers on a peer-to-peer network, the method comprising:**

**providing a specific identifier of multiple identifiers for linking a content broadcast to the specific group of peers** (*Marshall* discloses of how peers using a personal video recorder (PVR) can go about searching for desired

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contents using metadata identifiers from among peer users with PVRs in a peer-to-peer (p2p) network or from a data distributor (e.g. *Marshall*: paragraphs [0016], [0024-25] and Figure 3). The metadata(s) information would be the identifier(s) used to facilitate how the peers connect with each other in the p2p network.

*Marshall* however does not go into details on the issue of groups of peers.

*Pabla* more expressly discloses the concepts of how a peer group name server can help the way a peer discovers what they are searching for, either from other peers or groups of peers within the p2p network with the help of identifiers associated with the contents or services (e.g. *Pabla*: paragraphs [0055], [0060], and [0065]).

*Marshall* and *Pabla* are analogous art because they are in the same field of endeavor with respect to providing and sharing data information in a peer-to-peer environment.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to incorporate *Pabla*'s concept of identifiers associated with groups of peers and having that form of information readily available in one location, say some form of server or directory and made searchable within *Marshall*'s concept of peers searching for content using metadata identifiers with their PVR systems, within a peer-to-peer network environment. One skilled in the art would be motivated to combine them and see the benefits it offers as the server can sort and categories the peers and peer group identifiers and content

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more efficiently such that any peers searching through the server would be able to find what they were looking for with relative ease; **and**

**deriving the specific identifier from a further identifier representative of the content broadcast** (*Marshall* discloses of identifiers which are further derived from the meta data, which are used to classify and identify the data information contents. These identifiers can map to the various characteristics or criteria defining the various data contents, e.g. *Marshall*: paragraph [0024]),

**wherein the further identifier comprises a TV-anytime Content Reference Identifier** (*Marshall* and *Pabla* both do not expressly disclose of such a identifier).

*Koike* more expressly discloses the concept of incorporating and using TV-Anytime Content Reference Identifiers, e.g. *Koike*: paragraph [0060]). In addition, *Koike* further reinforces the concept wherein users having similar interests can be grouped using statistical analysis, which in turn results in an effective recommendation system for peer requests (e.g. *Koike*: paragraphs [0147-148]).

*Marshall*, *Pabla*, and *Koike* are analogous art because they are in the same field of endeavor with respect to providing and sharing data information in a peer-to-peer environment.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to incorporate *Koike*'s concept of using TV-Anytime Content Reference Identifiers along with *Pabla*'s concept of peer group identifiers

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together within *Marshall's* concept of peers searching for content using metadata identifiers with their PVR systems, within a peer-to-peer network environment. One skilled in the art would be motivated to combine them and see the benefits it offers as the server can house all the various forms of identifiers and can more effectively recommend relevant results to what the requesting peers are searching for,

**and wherein the TV-anytime Content Reference Identifier is resolved into a peer group ID as part of the step of deriving** (*Marshall* and *Pabla* both do not expressly disclose of the TV-Anytime CRID).

*Koike* more expressly discloses the concept of using the TV-Anytime CRID, which can be incorporated within *Pabla's* concept of the peer group ID. In addition, *Koike* also further discloses and re-enforces the concept of group clusters with the various relevant identifiers (e.g. *Koike*: paragraphs [0147-148]).

See the previously stated reasons for combining *Marshall*, *Pabla*, and *Koike*.

As to **claim 8**, see the similar rejection of claim 1 and in addition, *Marshall* further discloses **a method of identifying a specific group of peers among the multiple groups of peers on a peer-to-peer network, the method comprising:**

... (see claim 1 for the previous limitation rejections)...and

**linking the content broadcast to the specific group of peers using the specific one of multiple identifiers** (very similar to the first limitation, except now, the actual linking is completed given the provided identifier. *Marshall* further discloses of supplying the requesting peer with the data that the identifiers have linked with, after applying any policies, and thus completing the transfer or connection, e.g. *Marshall*: paragraphs [0025]).

In addition, *Pabla* more expressly discloses the concept of peer groups formed based on similar interests or contents (e.g. *Pabla*: paragraphs [0055], [0060], and [0065]).

See the previously stated reasons for combining *Marshall* and *Pabla*.

As to **claims 15 and 19**, see the similar rejection of claim 1 and 8.

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to XIANG YU whose telephone number is (571)270-5695. The examiner can normally be reached on Monday - Friday 8:00am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571)272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/X. Y./

Examiner, Art Unit 2445

/VIVEK SRIVASTAVA/

Supervisory Patent Examiner, Art Unit 2445